UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 November 2010*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *24,25,27,28,34,36-38 and 41-47* is/are pending in the application.

    4a) Of the above claim(s) *46 and 47* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *24,25,27,28,34,36-38 and 41-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Remarks

Claims 24, 25, 27, 28, 34, 36-38, and 41-47 are pending.

Claims 46-47 are withdrawn from consideration as outlined in the election by original presentation below.

Claims 24, 25, 27, 28, 34, 36-38, and 40-45 are rejected.

Response to Arguments

1.   Applicant's arguments filed 11/2/2010 have been fully considered but they are not persuasive.

Applicant provides arguments regarding the 101 rejection of claims 34, 38, 40-43, and 45, stating that Applicant believes them to be statutory as the instant application differentiates between storage and communication media. However, as described in the 101 rejection, a storage medium may be a signal, as the definition of a storage medium includes a signal, and Applicant has not provided any alternative definition in the application. It is noted that Applicant states "Applicant expressly disclaims any coverage in claims 34, 38, 40-43, and 45 to the extent "computer-readable media" could be interpreted to require only a single without any additional physical, article of manufacture." However, disclaiming a single medium does not appear to be what Applicant intends. If Applicant intends to disavow the medium being a signal, Applicant must properly state that all claims directed to a medium will not be enforced with respect to signals.

Applicant argues that "the cited art fails to disclose or reasonably support that identification and/or granting of administrative rights in a new non-overlapping zone after the previously existing zone is split, as such is recited in combination with the other claim elements." Applicant goes on to argue, with respect to Glasser, that "splitting a zone occurs in *Glasser* by initially selecting a change to a resource permission, and then applying the change to create the new zone. In direct contrast, the pending claims generate permissions after the zone is created, rather than identifying and generating changed permissions as a first instance." However, Glasser also teaches adding a user to an ACL for a particular resource when the resource already has an ACL, as opposed to when the resource inherits an ACL. Therefore, as Applicant notes, a new zone is created when an inherited ACL is changed, thereby forming a new ACL that is propagated to the new zone, while the remaining items not effected by this previously-inherited ACL change remain in the remaining previous zone. This is the situation in which "a new ACL will be created for the folder" (Column 8, lines 59-60). However, once this folder already has an ACL, "the changes made to the display list are merged with the previous contents of the ACL to form the updated ACL" (Column 8, lines 61-63). As one can see, the items within this zone (e.g. controlled by this possibly propagated ACL) remain the same, however, a new user is added to the ACL and, thereby, given rights to the items within that zone. Therefore, one can see that Glasser teaches adding rights for additional principals to this precise previously-split zone (as it already has its own ACL) after the zone is created (at any time a user is added to this ACL).

Election/Restrictions

2.   Newly submitted claims 46-47 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claim 46 states that the new security zone is created "without any security rules associated therewith", which is the exact opposite of the previously presented claims. As an example, claim 24 explicitly states that "for any principals that had existing rights in the existing non-overlapping security zone ... an act of retaining those existing rights in the new non-overlapping security zone". It is further noted that the application as originally filed specifies that these are different embodiments (e.g. paragraph 41 stating that "In other embodiments of the invention, the first zone does not include any security rules after it is created and all new security rules must be created for the first zone"). Therefore, the inventions are independent or distinct as they are different embodiments and provide mutually exclusive subject matter therein.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 46-47 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claims 34, 38, 40-43, and 45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 34 is directed to a computer program product comprising "one or more computer-readable storage media". Such media are described in the application in an open-ended manner using examples. As the definition of a computer readable storage medium includes a signal, use of such computer readable storage media in the claims includes this interpretation of the media being signals. Therefore, as the computer readable storage media of claim 34 are not inherently physical components (e.g. CD, DVD), the claim is non-statutory. In order to overcome this 101 rejection, simply adding "non-transitory" before "computer-readable storage media" should be sufficient to make the claim statutory. Claims 38, 40-43, and 45 are dependent from claim 34 and do not fix the issue with the computer readable storage media. Therefore, claims 38, 40-43, and 45 are rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 24, 25, 27, 28, 34, 36-38, and 40-45 are rejected under 35 U.S.C.

103(a) as being unpatentable over Glasser (U.S. Patent 6,061,684) in view of

Nowicki (U.S. Patent 7,146,377).

Regarding Claim 24,

Glasser discloses in a computer system, the computer

system including system memory, a processor, and a computer-

readable medium, a data store and a method store being stored on

the computer-readable medium, the data store and method store

arranged together in a combined item hierarchy on the computer-

readable medium, the data store having at least one data item that

depends from a method in the method store and the method store

having at least one method that depends from data in the data

store, the combined item hierarchy being divided into one or more

non-overlapping security zones, each of the one or more non-

overlapping security zones being defined as a grouping of one or

more data items and one or more method items having common

security rules such that principals with rights to items in a non-

overlapping security zone can treat all items in the non-overlapping

security zone uniformly in accordance with common security rules,

a method of authenticating principal identity and then splitting the

one or more non-overlapping security zones into a plurality of non-

overlapping security zones to facilitate more efficient assignment of

rights to principals, comprising:

An act of accessing a first ACL, the first ACL defining rights

based on common security rules that principals are to have in an

existing non-overlapping zone from among the one or more non-

overlapping zones (Column 7, line 41 to Column 8, line 39; and

Column 9, line 58 to Column 10, line 29; authentication and

permission checks for administrators, such permissions for

modifying other permissions; authentication and permission checks

for a normal user; and/or accessing ACLs for setting permissions

by an administrator, as examples);

An act of accessing authentication information that specifies

the identity of the principals that are to have the rights in the

existing non-overlapping zone (Column 7, line 41 to Column 8, line

39; and Column 9, line 58 to Column 10, line 29; as just described);

An act of authenticating the principals by verifying the

identity of the principals by using the authentication information and

by verifying that the principals are to have the rights defined in the

first ACL (Column 7, line 41 to Column 8, line 39; and Column 9,

line 58 to Column 10, line 29; as just described);

An act of identifying a grouping of data items and method

items in the combined item hierarchy (Figure 4; and Column 4, lines

20-35; showing that the hierarchical file system includes files,

wherein the files are data files, program files, or other computer

information files. Hereafter, any time data and method items are

referenced with respect to Glasser, this citation is pertinent, but will

not be identified in each instance, in order to provide clear

reference to pertinent citations) for which new common security

rules are to be enforced, the identified grouping of data items and

method items currently included in the existing non-overlapping

zone, existing common security rules being enforced within the

existing non-overlapping zone, the new common security rules

differing from the existing common security rules being enforced

within the existing non-overlapping zone (Column 7, lines 41-64;

Column 8, lines 27-39; and Column 8, line 55 to Column 9, line 25;

a resource is selected, wherein the resource will be given different

rules than the resource's parent (where the parent has an ACL that

is inherited by the selected resource) and, likewise, the rest of the

resources that inherit the ACL of the parent. The change to rights

will include providing the selected resource with a new ACL, which

will be propagated and inherited by resources descending from the

selected resource);

An act of the processor re-configuring the one or more non-

overlapping security zones so that rights can be assigned at a

granularity that is finer than an entire database yet coarse enough

so as to not require assignment for each item, including:

An act of splitting the existing non-overlapping

security zone into a new non-overlapping security zone and

a remnant of the existing non-overlapping security zone, the

arrangement of the new non-overlapping security zone

relative to the remnant of the existing non-overlapping

security zone based on the location of the identified grouping

of data items and method items within the combined item

hierarchy, the new non-overlapping security zone for

containing the identified grouping of data items and method

items, the remnant of the existing non-overlapping security

zone containing at least one data item or method item from

the existing non-overlapping security zone, wherein the

splitting is restricted in such a way as to prevent overlapping

between security zones and such that none of the data items

and method items are included in more than one security

zone (Figure 4; Column 7, lines 41-64; Column 8, lines 27-

39; and Column 8, line 55 to Column 9, line 25);

For any principals that had existing rights in the existing non-

overlapping security zone based on the existing common security

rules being enforced in the existing non-overlapping security zone

at the time the existing non-overlapping security zone was split, an

act of retaining those existing rights in the new non-overlapping

security zone, including in the identified grouping of data items and

method items, subsequent to splitting the existing non-overlapping

security zone and subsequent to labeling to represent that the

identified grouping of data items and method items are contained in

the new non-overlapping security zone (Figures 4-5; Column 7,

lines 41-64; Column 8, lines 27-39; and Column 8, line 55 to

Column 9, line 25; in the case of adding a user to the ACL, the

previous entities listed in the ACL (the ACL inherited from the

ascendant in this case) will still have access, as that previously

inherited ACL is copied and then changes are made, such as

adding users. The new user is additionally provided with access to

the resource and any resources that inherit the ACL of this

resource); and

An act of identifying and granting one or more other rights in

the new non-overlapping security zone to one or more additional

principals in accordance with the new common security rules,

wherein identifying and granting the one or more rights is

performed subsequent to the act of splitting the existing non-

overlapping security zone into the new non-overlapping security

zone and the remnant of the existing non-overlapping security

zone, and wherein granting the one or more rights includes

assigning the other rights to the new non-overlapping security zone

collectively granting the other rights to each item in the identified

grouping of data items and method items through the assignment of

the other rights to the new non-overlapping security zone, the other

rights differing from the existing rights (Figures 4-5; Column 7, lines

41-64; Column 8, lines 27-39; and Column 8, line 55 to Column 9,

line 25; in the case of adding a user, this new user is provided with

rights to the resource and any resources that inherit the ACL of this

selected resource, for example).

But does not appear to explicitly disclose labeling each of

the items in the identified grouping of data items and method items

with a security zone enumeration corresponding to the new non-

overlapping security zone to represent that the identified grouping

of data items and method items are contained in the new non-

overlapping security zone.

Nowicki, however, discloses labeling each of the items in the

identified grouping of data items and method items with a security

zone enumeration corresponding to the new non-overlapping

security zone to represent that the identified grouping of data items

and method items are contained in the new non-overlapping

security zone (Figures 5 and 7; Column 8, lines 25-54; and Column

9, lines 1-9; changing partition identifiers and/or directory identifiers,

for example, to indicate that the item is in a specific/new partition or

directory); and

That each non-overlapping security zone can contain both

method and data items (Column 3, line 61 to Column 4, line 3;

Column 6, line 48 to Column 7, line 10; and Column 12, lines 26-

36; showing resources being data and method items, placing a

slower process in a partition/zone dedicated to slower processes,

and that each partition may include both data and method items). It

would have been obvious to one of ordinary skill in the art at the

time of applicant's invention to incorporate the partitioning

techniques of Nowicki into the access control system of Glasser in

order to allow the system to dynamically arrange and rearrange

items stored in a file hierarchy in such a manner that they can be

moved to a partition dedicated to the particular type of item and the

partitions can be merged in the case that multiple partitions are to

have the same policies, and/or to allow for explicit designation

within a file handle for each file/item as to which partition and

directory the file/item currently resides.

Regarding Claim 34,

Claim 34 is a computer program product claim that

corresponds to method claim 24 and is rejected for the same

reasons.

Regarding Claim 25,

Glasser as modified by Nowicki discloses the method of

claim 24, in addition, Glasser discloses that specifying the one or

more additional principals is performed by the one or more main

principals (Column 7, lines 41-54; the user is verified as having

appropriate permissions for the resource(s)).

Regarding Claim 38,

Claim 38 is a computer program product claim that

corresponds to method claim 25 and is rejected for the same

reasons.

Regarding Claim 27,

Glasser as modified by Nowicki discloses the method of

claim 24, in addition, Glasser discloses the rights being security

rights (Column 7, lines 41-64; Column 8, lines 10-39; and Column

8, line 55 to Column 9, line 25).

Regarding Claim 40,

Claim 40 is a computer program product claim that

corresponds to method claim 27 and is rejected for the same

reasons.

Regarding Claim 28,

Glasser as modified by Nowicki discloses the method of

claim 24, in addition, Glasser discloses the rights being auditing

rights (Column 7, lines 41-64; Column 8, lines 10-39; and Column

8, line 55 to Column 9, line 25).

Regarding Claim 41,

Claim 41 is a computer program product claim that

corresponds to method claim 28 and is rejected for the same

reasons.

Regarding Claim 36,

Glasser as modified by Nowicki discloses the method of

claim 24, in addition, Glasser discloses that the existing common

security rules comprise a second ACL defining the rights a principal

has to the items in the remnant of the existing non-overlapping

security zone (Column 7, lines 41-64; Column 8, lines 10-39; and

Column 8, line 55 to Column 9, line 25).

Regarding Claim 42,

Claim 42 is a computer program product claim that

corresponds to method claim 36 and is rejected for the same

reasons.

Regarding Claim 37,

Glasser as modified by Nowicki discloses the method of

claim 24, in addition, Glasser discloses that the new common

security rules comprise a second ACL defining the rights a principal

has to the items in the new non-overlapping security zone (Column

7, lines 41-64; Column 8, lines 10-39; and Column 8, line 55 to

Column 9, line 25).

Regarding Claim 43,

Claim 43 is a computer program product claim that

corresponds to method claim 37 and is rejected for the same

reasons.

Regarding Claim 44,

Glasser as modified by Nowicki discloses the method of

claim 24, in addition, Glasser discloses that the act of granting

other rights in the new non-overlapping security zone to one or

more additional principals in accordance with the new common

security rules comprises an act of granting a set of rights in the

non-overlapping security zone to the one or more additional

principals so as to collectively grant the set of rights to the one or

more additional principals for each item in the new non-overlapping

security zone, the set of rights including one or more rights selected

from among read, write, delete, and execute (Column 7, lines 41-

64; Column 8, lines 10-39; and Column 8, line 55 to Column 9, line

25).

Regarding Claim 45,

Claim 45 is a computer program product claim that

corresponds to method claim 44 and is rejected for the same

reasons.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to JEFFREY D. POPHAM whose telephone

number is (571)272-7215. The examiner can normally be reached on M-F 9:00-

5:30.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Ashok Patel can be reached on (571)272-3972. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

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